Remarks/Arguments

In the non-final Office Action dated October 17, 2008, it is noted that claims
1 – 9 are pending; and that claims 1 – 9 are rejected.

Claims 1 and 5 are independent.

In the present response, the claims are not amended.

Rejection of claims 1, 4, 5, 8 and 9 under 35 USC 103(a) as being unpatentable over Lo et al. (US PAT. 6,324,178, hereinafter Lo) in view of Smith (US 6,961,890) and Gillard et al. (US PAT. 5,404,166, hereinafter Gillard)

Applicants submit that for at least the following reasons, claims 1, 5, 8 and 9 are patentable over Lo, Smith and Gillard, alone or in combination.

For example, claim 1, in part, requires:

> "*the payload data field being divided into a plurality of data*
> *blocks having a defined length,* a data block consisting of a plurality of
> data words, the plurality of data words being a fixed amount."
> (Emphasis added)

In the Office Action, page 3, the Office conceded that Lo differs from the claimed invention in not specifically teaching a data block consisting of a plurality of data words being a fixed amount. The Office further asserted that it is notoriously well known in the art of having a data block consisting of a plurality of data words and the plurality of data words being a fixed amount, citing the additional secondary reference Smith, Figs. 1 – 2 and column 3 line 49 through column 5 line 17. However, Applicants submit that it is not obvious for a skilled person to combine the teachings of Lo, Smith and Gillard to arrive at the claimed invention.

Applicants submit that Lo, Fig. 8A and Fig. 8B, left hand side, expressly discloses that the payload field includes just a single data block, but not a plurality of data blocks having a defined length, as alleged by the Office Action. Lo, Fig. 8A and Fig. 8B apparently show that the data payload field consists of a number of quadlets, where each quadlet is sequentially called "data block quadlet 1," "data block quadlet

2," etc. Furthermore, Figs. 8A and 8B show that the single data block contains a number of quadlets, and thus a data block quadlet represents a 32-bit <u>word</u> contained within the data block. Therefore, the quadlets shown in Figs. 8A and 8B cannot be considered to be equivalent to the data blocks recited in the claims because the quadlets are 32-bit data words, but do not consist of a plurality of data words, as recited.

Also, since Lo, Figs. 8A and 8B show only a single data block, and nowhere does Lo, disclose or even suggest that there are multiple data blocks in the payload, Applicants submit that Lo does not teach or suggest the claimed feature *"the payload data field being divided into a plurality of data blocks having a defined length, a data block consisting of a plurality of data words,"* as recited.

Although Smith, shows a payload area consisting of a number of data words D0 to DN and the data words may have a fixed bit length, Smith only shows <u>one data block</u> 200 that consists of a payload area 202 and a redundant area 204 (Fig. 2). Therefore, Smith does not teach or even suggest that the payload data field is divided into a plurality of data blocks having a defined length. Combining the teachings of Lo and Smith would still only lead a skilled person to have <u>a single data block</u> with a plurality of data words (quadlets) and the plurality of data words (quadlets) being a fixed amount.

In addition, Applicants submit that Gillard does not bridge the feature gap between Lo and the claimed invention. Therefore, it is not obvious for a skill person to combine the teachings of Lo, Smith and Gillard to arrive at the claimed invention without the benefit of the impermissible hindsight.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Lo, Smith and Gillard, alone or in combination. Independent claim 5 is also believed to be patentable because it contains similar distinguishing features as claim 1. Claims 8 and 9 are also be patentable because they depend from claim 5, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1, 5, 8 and 9 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claims 2, 3, 6 and 7 under 35 USC 103(a) as being unpatentable over Lo in view of Smith and Gillard as applied in claims above, and further in view of Boyer et al. (US PAT. 5,410,546, hereinfafter Boyer)

Applicants submit that Boyer does not, in any way, cure the above deficiencies found in Lo, Smith or Gillard.

The invention in Boyer, as described in col. 13, provides a counter 415 which determines when a page buffer in the DRAM ARRAY 410 has been filled. The counter is loaded internally by the State Control Logic 411 with a value from a page size register 412 at the start of filling a page buffer. This counter is not a modulo-n counter and does not provide any determination of data source packet boundaries.

Also Boyer is silent with regard to <u>counting of the data blocks in order to determine the data source packet boundaries</u>, because in Boyer <u>there is no data blocks forming a source packet of fixed length</u>. If one compares the page buffers to the data blocks, these page buffers do not have any particular relationship to the data included in the bus packet. Boyer does not mention a defined number of page buffers forming a source packet of a fixed length, and carrying out a modulo-n counting of the data block to determine the source packet boundaries.

One ordinarily skilled in the art would not look to Boyer to cure the deficiencies found in Lo, Smith or Gillard, as discussed above, in order to arrive at applicant's claimed invention. Therefore, claims 2 – 3 and 6 – 7 are patentable at least because they respectively depend from claims 1 and 5, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 2, 3, 6 and 7 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815,

so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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